

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL C. WARD,

Petitioner,

Case No. 2:19-cv-12543
Hon. Arthur J. Tarnow

v.

WILLIS CHAPMAN,

Respondent.

/

**ORDER TRANSFERRING PETITIONER'S APPLICATION TO PROCEED
ON APPEAL WITHOUT PREPAYING FEES AND COSTS (ECF NO. 80)
TO THE SIXTH CIRCUIT COURT OF APPEALS**

Following this Court's denial of Petitioner Michael C. Ward's application for a writ of habeas corpus, Petitioner filed several notices of appeal, *see* ECF Nos. 44, 62, 67, 69, and 76, and his appeal remains pending in the Sixth Circuit Court of Appeals. Now before the Court is Petitioner's application to proceed on appeal without prepaying fees and costs. ECF No. 80. For the reasons stated below, the application will be transferred to the Court of Appeals.

Generally, a notice of appeal "confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal." *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985) (citation omitted); *see also Workman v.*

Ward v. Chapman, 19-12543
Tate, 958 F. 2d 164, 167 (6th Cir. 1992). Petitioner's notices of appeal thus divest this Court of jurisdiction to consider his application to proceed *in forma pauperis* on appeal. *King v. Kowalski*, No. 2:11-CV-12836, 2020 WL 6440921, at *1 (E.D. Mich. Nov. 3, 2020) (citing *Johnson v. Woods*, No. 5:12-11632; 2013 WL 557271, *2 (E.D. Mich. Feb. 13, 2013); *Glick v. U.S. Civil Service Com'n*, 567 F. Supp. 1483, 1490 (N.D. Ill. 1983)) (other citation omitted).

Because jurisdiction over this action was transferred from the district court to the Sixth Circuit Court of Appeals upon the filing of his notices of appeal, Petitioner's application should be addressed by the Sixth Circuit. In the interests of justice, a district court may transfer a case or pleading that has been improperly filed in that court to the proper court. See 28 U.S.C. § 1631; *Roman v. Ashcroft*, 340 F.3d 314, 328 (6th Cir. 2003).

Accordingly, the Clerk of the Court is **DIRECTED to TRANSFER** Petitioner's application to proceed *in forma pauperis* (ECF No. 80) to the Sixth Circuit Court of Appeals.

IT IS SO ORDERED.

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge

Dated: August 20, 2021